

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DISH NETWORK L.L.C.,

Plaintiff,

- against -

786 WIRELESS WORLD, INC., 786
ENTERPRISES, INC., ADEEL HUSSAIN (aka
ADIL HUSSAIN), RANA M. AFZAL,
SUSHMA SHARMA (aka SUDHMA
SHARMA), RAJESH VAIDYA (aka OMER
MASSOD), SATBIR GIRN, RAJBIR GIRN,
RAJKIRAN SINGH (aka SAJAN SINGH),
KHIZER FAROOQ, and DOE DEFENDANTS
1-10,

Defendants.
..... X

21-cv-05730-AMD-RML

**DECLARATION OF ROBERT D.
BALIN IN SUPPORT OF DISH'S
REQUEST FOR CERTIFICATE
OF DEFAULT**

Robert D. Balin declares under penalty of perjury as follows:

1. I am a partner at the law firm Davis Wright Tremaine LLP, attorneys of record for Plaintiff DISH Network L.L.C. (“DISH”) in the above-captioned action. I submit this Declaration in support of DISH’s Request for Certificate of Default.

2. DISH commenced this action on October 14, 2021 against 786 Wireless World, Inc., 786 Enterprises, Inc., and Rana M. Afzal. Dkt. 1. Since the names of certain other Defendants were not then known to DISH, the Complaint also named Does 1-10 as additional defendants (the “Doe Defendants”). *Id.*

3. On the same day that DISH filed its Complaint, DISH also filed a motion for expedited discovery, seeking leave to serve various subpoenas on third-party service providers, for the purpose of identifying the Doe Defendants. Dkt. 7.

4. The Court granted DISH’s motion for expedited discovery on October 15, 2021. (Minute Entry.)

5. Pursuant to the Court’s Order, DISH served the proposed subpoenas and conducted further investigation based on the documents produced in response to those subpoenas. Following that investigation, DISH was able to identify the Doe Defendants as SUSHMA SHARMA (aka SUDHMA SHARMA), RAJESH VAIDYA (aka OMER MASSOD), SATBIR GIRN, RAJBIR GIRN, RAJKIRAN SINGH (aka SAJAN SINGH), and KHIZER FAROOQ (the “Direct Infringers”).

6. On November 7, 2022, DISH filed an Amended Complaint, identifying the Direct Infringers as additional defendants, and including numerous allegations relating to unlawful activities of the Direct Infringers. Dkt. 30. The Amended Complaint also named an additional Doe Defendant, ADEEL HUSSAIN (aka ADIL HUSSAIN), who timely responded to the Amended Complaint.

7. On November 9, 2022, DISH filed a motion for leave to serve process by email on the Direct Infringers. Dkt. 34. As set forth in that motion, the Direct Infringers reside outside the United States and take elaborate measures to conceal their identities. *Id.* Accordingly, despite its diligent investigation, DISH was unable to confirm physical addresses for the Direct Infringers. *Id.*

8. On December 4, 2022, the Court granted *nunc pro tunc* DISH’s motion for leave to serve process on the Individual Defendants by email. (Minute Entry.)

9. A Summons as to the Direct Infringers (the “Summons”) was issued on December 7, 2022. Dkt. 43.

10. That same day, December 7, 2022, copies of the Summons and Amended Complaint (with exhibits 1-2 thereto), along with copies of the Civil Cover Sheet, and Rule 7.1 Disclosure Statement were served on the Direct Infringers via RPost email. Dkt. 44. Proof of service on the

Direct Infringers was also filed on December 7, 2022. *Id.* Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), and as indicated in the docket entry, the Direct Infringers were required to file their responses to the Amended Complaint by December 28, 2022.

11. None of the Direct Infringers have responded to the Amended Complaint or otherwise appeared.

12. The Direct Infringers were properly served.

13. The Direct Infringers have failed to timely answer the Amended Complaint or otherwise defend the action.

14. The Direct Infringers have defaulted in responding to the Amended Complaint.

15. The Direct Infringers are not infants.

16. The Direct Infringers are not in the U.S. military.

17. The Direct Infringers are not incompetent persons.

18. Pursuant to Local Civil Rule 55.1, a proposed Clerk's Certificate of Default is attached hereto as **Exhibit A**.

Dated: New York, New York
January 5, 2023

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: /s/ Robert D. Balin

Robert D. Balin

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